

**CITY COUNCIL MEETING
CITY OF WATERTOWN
November 4, 2013
7:00 p.m.**

Mayor Jeffrey E. Graham Presiding

Present: Council Member Roxanne M. Burns
Council Member Joseph M. Butler, Jr.
Council Member Teresa R. Macaluso
Council Member Jeffrey M. Smith
Mayor Graham

Also Present: Sharon Addison, City Manager
Robert J. Slye, City Attorney

City staff present: Jim Mills, Ken Mix, Kurt Hauk, Erin Gardner, Amy Pastuf, Beth Morris, Barbara Wheeler, Mike Sligar, Eugene Hayes, Mike Lumbis, Justin Wood, Brian Phelps, Andrew Nichols, Chief Herman, Deputy Chief Randall

The City Manager presented the following reports to Council:

- Resolution No. 1 - Approving the Agreement Between Dr. Jon A. Emerton and the City of Watertown for Public Health Officer
- Resolution No. 2 - Authorizing the Sale of Surplus Fire Department Equipment
- Resolution No. 3 - Approving the Agreement Between The City of Watertown and Loomacres Wildlife Management to Establish and Administer a Winter Crow Roost Dispersal Program
- Resolution No. 4 - Approving the Loan Agreement With Woolworth Watertown LLC for the Renovation of the Woolworth Building
- Resolution No. 5 - Authorizing Budget Modification No. 2 Request for FY 2011 Small Cities Community Development Block Grant
- Resolution No. 6 - Approving Agreement Between the New York State Unified Court System and the City of Watertown
- Ordinance No. 1 - Amending City Municipal Code § A320-10
- Tabled - Approving Agreement for Services for Vision and Dental City Employee Plan, Relph Benefit Services
- NYS Department of Environmental Conservation Urban and Community Forestry Grant Program
- Letter from NYS STOP-DWI Foundation, Inc. and MADD-NY
- Board and Commission Appointments
- Request to Waive Connection Fee for Water and Sewer Service at 123 East Lynde Street, Owned by Thousand Islands Area Habitat for Humanity

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of October 21, 2013 was dispensed and accepted as written by motion of Council Member Burns, seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof.

PROCLAMATION

Mayor Graham interrupted the regular course of business to proclaim November 2013 as National Hospice and Palliative Care Month and to encourage people to learn more about options of care and to share their wishes with family, loved ones and their healthcare professionals.

COMMUNICATIONS

A summons and complaint was received regarding an accident occurring on April 21, 2013 which involved a City Police vehicle.

Above communication was placed on file in the office of the City Clerk.

PRIVILEGE OF THE FLOOR

Mayor Walker, 1170 Ives Street thanked Council on behalf of his wife for sending her a Get Well Card. He said it was much appreciated by both of them.

RESOLUTIONS

Resolution No. 1 - Approving the Agreement Between Dr. Jon A. Emerton and the City of Watertown for Public Health Officer

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown is interested in contracting for professional health officer services, and

WHEREAS the City of Watertown is required by law to have a Public Health Officer, and

WHEREAS Dr. Jon A. Emerton, 178 Thompson Boulevard, Watertown, New York, has expressed interest in continuing to provide these services to the City of Watertown,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that it hereby approves the Agreement between the City of Watertown and Dr. Jon A. Emerton, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison, is hereby authorized and directed to execute this Agreement on behalf of the City.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Resolution No. 2 - Authorizing the Sale of Surplus Fire Department Equipment

Introduced by Council Member Roxanne M. Burns

WHEREAS the City of Watertown has accumulated surplus supplies and equipment at the Fire Department, the listing of which is attached and made a part of this resolution, and

WHEREAS these items may have some value best determined by on-line auction, and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the sale, by on-line auction, of surplus supplies and equipment from the Fire Department, and

BE IT FURTHER RESOLVED that final acceptance of such bids shall constitute acceptance of the same by the City Council.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Resolution No. 3 - Approving the Agreement Between The City of Watertown and Loomacres Wildlife Management to Establish and Administer a Winter Crow Roost Dispersal Program

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown desires to work with Loomacres Wildlife Management regarding professional services to help alleviate the nuisance of crows within the City and to administer a crow dispersal program, and

WHEREAS the City of Watertown has an urban crow roost that is a threat to human health and safety, causes damage to buildings and cars, and results in associated clean up costs, and

WHEREAS Loomacres Wildlife Management uses multiple hazing methods including distress calls, pyrotechnics, remote controlled aircraft, and lasers with the objective of reducing winter crow roosts, and

WHEREAS the City of Watertown authorizes Loomacres Wildlife Management to use lethal harassment techniques, and

WHEREAS by using this strategy, the crows should relocate to an alternative, more suitable roosting site, reducing local conflicts associated with an urban crow roost, and

WHEREAS, the City of Watertown has prepared an Agreement, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement between the City of Watertown and Loomacres Wildlife Management, a copy of which is attached and made part of this resolution, to establish and administer a crow dispersal program, and

BE IT FURTHER RESOLVED that the City Council hereby authorizes and directs the City Manager, Sharon Addison, to execute the Agreement on behalf of the City of Watertown.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Council Member Butler noted that the cover letter states

that the contract authorizes Loomacres to use lethal methods if so directed by the City. He asked that the resolution be amended to reflect this authorization.

Motion was made by Council Member Joseph M. Butler, Jr. to amend the foregoing resolution by adding “WHEREAS the City of Watertown authorizes Loomacres Wildlife Management to use lethal harassment techniques” between paragraph three and paragraph four. Motion was seconded by Council Member Jeffrey M. Smith.

Council Member Burns thanked Council Member Butler for doing his research on this resolution and adding this amendment. She stressed that this has been done for many years but it is just a temporary fix so it needs to be stepped up to the next level. She said that she would support the lethal methods but was under the impression that this could not be done because a gun cannot be discharged within the City limits.

Attorney Slye stated that a pellet gun is used which is not a firearm so it could be authorized.

Council Member Burns also asked if Loomacres Wildlife Management could teach staff from the DPW or Police Department to perform some of the techniques that are used to alleviate the nuisance of the crows.

Ms. Addison replied that she will look into this further.

Council Member Butler mentioned that in the past USDA was supposed to train DPW staff.

Council Member Smith explained the USDA was going to train staff but the City chose to use Loomacres because it was more cost effective.

Council Member Butler mentioned that a lot of money has been spent over the years to make the Library the show piece that it is. He stressed that the City should do everything that it can to prevent the destruction of this property. He also stated that he would like to see a report regarding the effectiveness of last year's program.

Council Member Macaluso said that she does not care about the crows but she wondered if lethal action has been proved effective in other communities.

Council Member Burns mentioned that it has been used in Auburn. She discussed in detail the damage and destruction that has been done at the Historical Society and wondered if there were any health hazards due to the bird feces.

Mayor Graham mentioned some of the items that could be used by homeowners to disperse the crows. He said that the sidewalks are stained by the bird feces and that there are chemicals which will dissolve bird feces in order to clean them.

At the call of the chair, a vote was taken on the foregoing amended resolution and carried with all voting yea except for Council Member Macaluso and Mayor Graham voting nay.

Council Member Macaluso commented that she would like more information on how effective the lethal methods were.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except for Council Member Macaluso voting nay.

Resolution No. 4 - Approving the Loan Agreement With Woolworth Watertown LLC for the Renovation of the Woolworth Building

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown has a Grant Disbursement Agreement with Empire State Development for a \$2,500,000 Restore NY Grant to renovate the Woolworth Building, and

WHEREAS Woolworth Watertown LLC is the developer for the renovation project and will therefore be the ultimate recipient of the Restore NY funds, and

WHEREAS a Loan Agreement, with associated Mortgage and Promissory Note, has been drafted to govern the transfer of the Restore NY funds from the City to the Developer,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the Loan Agreement between the City of Watertown and Woolworth Watertown LLC for the transfer of the Restore NY Grant funds in the amount of \$2,500,000, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, is hereby authorized and directed to execute the Loan Agreement.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Resolution No. 5 - Authorizing Budget Modification No. 2 Request for FY 2011 Small Cities Community Development Block Grant

Introduced by Council Member Joseph M. Butler, Jr.

WHEREAS the Grant Agreement with the New York State Housing Trust Fund Corporation represented by the Office of Community Renewal for the City of Watertown's FY 2011 Small Cities Community Development Block Grant contains budget amounts for each activity, and

WHEREAS a budget modification must be approved by the Office of Community Renewal if the budget amounts are to be altered, and

WHEREAS to allow the shifting of funds from Grant Administration to Multi-Unit Rehabilitation as shown on Form 7-1, which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the proposed Budget Modification No. 2 request for the FY 2011 Small Cities Community Development Block Grant, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and

directed to sign the budget modification form on behalf of the City.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Resolution No. 6 - Approving Agreement Between the New York State Unified Court System and the City of Watertown

Introduced by Council Member Roxanne M. Burns

WHEREAS the City of Watertown is required by law to furnish and maintain adequate court facilities for use by Trial Courts of the State of New York, and

WHEREAS Chapter 686 of the Laws of 1996 was enacted to invest the State of New York with the fiscal responsibility of managing the interior cleaning of court facilities and performance of minor repairs therein, and with the ability to cover the cost thereof, and

WHEREAS Chapter 686 of the Laws of 1996 requires the State of New York to contract with political subdivisions of the State for the cleaning of court facilities, as well as minor emergency repairs thereof, and

WHEREAS the City of Watertown is responsible for furnishing and maintaining the City Court facility,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the Agreement between the New York State Unified Court System and the City of Watertown, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, is hereby authorized and directed to execute this Agreement on behalf of the City of Watertown.

Seconded by Council Member Teresa R. Macaluso

Prior to the vote on the foregoing resolution, Mayor Graham explained that there was legislation passed in the spring to expand the City Court to two fulltime Judges but the Governor never signed the bill. Therefore, he said there will not be any changes needed to the building to accommodate this. He added the backlog in cases that existed is being cleaned up.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

ORDINANCES

Ordinance No. 1 - Amending City Municipal Code § A320-10

Introduced by Council Member Roxanne M. Burns

BE IT ORDAINED that Section A320-10, Schedule of Fees, of the City Code of the City of Watertown is hereby amended to add Section F. below to read as follows:

§ A320-10. Schedule of fees.

- F. A fee of \$150.00 shall be levied by the City Engineering Department for enforcement of Section 53 of the City Charter and Sections 98.1, 161.1, 172-4, 265-24, and 310-27 of the City Code when City Code Enforcement and/or City Health Officer has determined that the violation must be remedied by the City of Watertown. This fee is in addition to any actual costs incurred by the City to remedy the violation. City Council hereby grants the City Manager the authority to abate the \$150.00 fee if the City Manager determines such abatement to be appropriate. ***The City Manager is instructed to inform the City Council in writing of such abatement no later than the next City Council meeting.**

and,

BE IT FURTHER ORDAINED that this amendment shall take effect as soon as it is printed as directed by the City Manager.

Seconded by Mayor Jeffrey E. Graham

Motion for unanimous consent moved by Council Member Jeffrey M. Smith, seconded by Council Member Roxanne M. Burns and carried with all voting in favor thereof

Council Member Butler mentioned that the ordinance states that the City Manager has the authority to abate the \$150 fee if the City Manager determines such abatement to be appropriate and said that this is not the most transparent process available.

Mayor Graham said that it should be added that any abatement would be put in writing so that Council is notified at the next available meeting.

Motion was made by Mayor Jeffrey E. Graham to amend the foregoing ordinance to add that “the City Manager is instructed to inform the City Council in writing of such abatement no later than the next City Council meeting”. Motion was seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof.

Motion for unanimous consent on the amended ordinance was moved by Council Member Jeffrey M. Smith, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof

At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea.

OLD BUSINESS

The Resolution “Approving Agreement for Services for Vision and Dental City Employee Plan, Relph Benefit Services”. (Introduced on 9/3/2013; tabled on 9/3/2013, 9/16/2013 and 10/7/2013; appears in its entirety in the 2013 Minutes Book on page 3 of the 9/3/2013 minutes).

Motion was made by Council Member Roxanne M. Burns to take from the table the foregoing resolution. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Council Member Burns said that she is pleased to see that Relph Benefit Services was willing to revise their agreement to reflect no cost to the City.

Council Member Butler thanked the City Manager for working on this negotiation. He said that he would like to see this put through the request for proposal process in the future.

At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea.

STAFF REPORTS

NYS Department of Environmental Conservation Urban and Community Forestry Grant Program

Council agreed to have staff move ahead with grant program.

Letter from NYS STOP-DWI Foundation, Inc. and MADD-NY

Mayor Graham said the letter commended the Police Department.

Board and Commission Appointments

Council concurred to have staff contact the individuals currently holding the positions to see if there is an interest in being reappointed.

Mayor Graham stated that he will contact Linda Dittrich about the Library Board and will speak to the Engineering Department regarding the Plumbing Board.

Ms. Addison reminded Council that the CAPC Board requires that a Council Member endorse each nomination.

Council agreed to keep the previous endorsements for the reappointments.

Request to Waive Connection Fee for Water and Sewer Service at 123 East Lynde Street, Owned by Thousand Islands Area Habitat for Humanity

Council concurred to waive this fee and asked staff to prepare a resolution for the next meeting.

NEW BUSINESS

Tree Planting

Council Member Butler thanked Mike Lumbis, Planner for his hard work with the recent tree planting program.

Barben Avenue Sewer Connection

Council Member Butler asked for a status on this situation.

Attorney Slye apologized that he has not been able to research this.

Council Member Butler said he would like this resolved soon.

In response to Mayor Graham's inquiry, Kurt Hauk, Engineer explained that only two houses would be required to connect to a new sewer line. He said that the third house is not required since it has a connection through the backyard but he would recommend that this house connects since the current connection is failing.

Attorney Slye confirmed that the possible financing could only be for the portion of work that the City is permitted to do which would be the work done outside the home. He said that he would research the financing option and report back to Council.

138 Court Street

Council Member Smith asked for an update on this property.

Attorney Slye indicated that there were plans submitted by Aubertine and Currier in connection with the rehabilitation of the property. He explained that the Code Department cannot consider those plans unless there is an asbestos survey performed and more detail is given for the plans that were submitted. In regards to the City taking the property back because it is not up to code, he stated that there has not been any action taken because it depends on what the Council wants to do. He reminded Council that when the RFP was done, Mr. Rahmi was the only one to submit a proposal.

Council Member Smith said that he is concerned because there has been no action on the property and there were concerns regarding the roof drainage. He wondered how this would affect the adjoining property owners. He knows that the property is for sale but he does not see any reinvestment dollars going back into the building.

Attorney Slye mentioned that there was a small repair done to the roof but he is not sure how it will hold up over the winter.

Council Member Butler questioned if the taxes were paid.

Council Member Burns asked if the plans submitted were new or were they a resubmission of the previous plans.

Ms. Addison said that she will research this further.

Salvation Army Bellringers

Mayor Graham stated that this program has started and encouraged everyone to support it.

Veteran's Day

Mayor Graham announced that next Monday is Veteran's Day and that there would be a ceremony at the VFW at 10:00 am.

Watertown Privateers

Mayor Graham indicated that the hockey season has started.

Auction for Surplus Items

Mayor Graham asked for a report on the results of the auction.

Election Day

Mayor Graham offered best wishes to those running for election tomorrow and encouraged everyone to vote.

Motion was made by Council Member Joseph M. Butler, Jr. to move into Executive Session to discuss collective bargaining.

Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Council moved into Executive Session at 7:44 pm.

Council reconvened at 7:50 pm.

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 7:50 p.m. by motion of Council Member Roxanne M. Burns, seconded by Mayor Jeffrey E. Graham and carried with all voting in favor thereof.

Ann M. Saunders

City Clerk